

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

KENDALL DE WHITT-MATTHEWS,

Plaintiff,

v.

NANCY A. BERRYHILL,

CIVIL NO. 4:17-cv-86

Acting Commissioner of the
Social Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of Social Security to deny her claim for disability insurance benefits (“DIB”) and Supplemental Security Income (“SSI”) under Title II and Title XVI of the Social Security Act.

This matter was referred to a United States Magistrate Judge pursuant to provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. The Magistrate Judge filed the Report and Recommendation on March 16, 2018, which recommends summary judgment in favor of the Commissioner because the administrative law judge adequately addressed certain purported inconsistencies, his decision was supported by substantial evidence, and the assignment of error provided no basis for remand or reversal. ECF No. 16. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days. *Id.*; 28 U.S.C. § 636(b)(1)(C). Objections were therefore due on or before

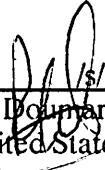
March 30, 2018. To date, neither party has objected to the Magistrate Judge's Report and Recommendation, nor has either party requested additional time to file objections.

The Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge as set forth in the Report and Recommendation filed on March 16, 2018. ECF No. 16. Accordingly, the Court **GRANTS** Commissioner's Motion for Summary Judgment, ECF No. 14, and **DENIES** Plaintiff's Motion for Summary Judgment, ECF No. 12.

Plaintiff is **ADVISED** that she may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United State District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk is **DIRECTED** to forward a copy of this Final Order to the Plaintiff and to all counsel of record.

IT IS SO ORDERED.



Robert G. Doumar
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, VA
April 5, 2018